

**Appln No. 09/697,775**

**Amdt date September 24, 2004**

**Reply to Office action of July 21, 2004**

**REMARKS/ARGUMENTS**

Claims 52, 54-66, 68-79, 81-83, 95-99, and 111-119 will be pending in this application upon entry of the above amendments. Claims 52, 64, 65, 66, 78, 79, 81, 82, and 95 have been amended. Claims 84-94 and 100-110 which have been withdrawn from consideration have been canceled. Claims 111-119 have been added. This Amendment is being filed with a Request for Continued Examination. Accordingly, reexamination, reconsideration, and an early indication of allowance of claims 52, 54-66, 68-79, 81-83, 95-99 and 111-119 are respectfully requested.

As an initial matter, Applicant thanks the Examiner for graciously conducting a telephone interview with the undersigned on September 17, 2004. During the interview Kaiser was discussed in detail with reference to independent claims 52 and 95.

In the Final Office action, the Examiner rejected claims 52, 66, and 95 under 35 U.S.C. 101 because not enough functional relationship was claimed for the data structures. Applicant submits that amended claims 52, 66, and 95 overcome the rejection under 35 U.S.C. 101, and withdrawal of the rejection is respectfully requested.

The Examiner also rejected claims 52-83 and 95-99 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,615,408 to Kaiser et al. in view of either U.S. Patent No. 5,889,746 to Moriyama or U.S. Patent No. 6,415,438 to Blackketter et al. Applicant respectfully traverses these rejections.

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Independent claim 52 recites "a sixth data structure element storing image overlay data for a plurality of objects in the video frame, wherein the application program, in response to a user command, visually identifies at least one of the plurality of objects in the video frame based on the image overlay data." During the telephone interview, it was agreed that these limitations are not disclosed by Kaiser. Accordingly, Applicant submits that claim 52 is now in condition for allowance.

Independent claims 66 and 95 include limitations that are similar to the limitations of claim 52 which place claim 52 in condition for allowance. Accordingly, Applicant submits that claims 66 and 95 are also in condition for allowance.

Claims 111-119 are new in this application. Support for the new claims are found in the original specification, claims, and drawings. No new matter has been added. For example, support for claims 111, 114, and 117 may be found on p. 21, lines 3-5 of the specification.

Support for claims 112, 115, and 118 may be found on p. 21, lines 6-7 and p. 35, lines 10-13 of the specification.

Support for claims 113, 116, and 119 may be found on p. 33, lines 16-22 of the specification.

Applicant submits that new claims 111-119 are in condition for allowance because none of the limitations recited in these claims are taught nor suggested by the cited references.

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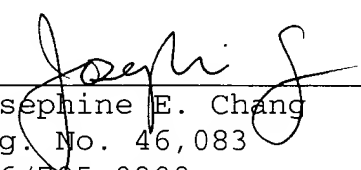
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In view of the above amendments and remarks, Applicant respectfully requests an early indication of allowance of claims 52, 54-66, 68-79, 81-83, 95-99, and 111-119.

Respectfully submitted,

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